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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,926	04/12/2001	Yushi Niwa	072982/0219	5238
22428	7590	08/11/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			SMITH, TRACI L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/832,926	Applicant(s) NIWA, YUSHI	
	Examiner Traci L. Smith	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to papers filed on April 21, 2001.
2. Claims 1-34 are pending.
3. Claim 1-34 are rejected.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-3 8-10, 12-14, 21 and 27-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

6. As to claims 2-3, 9-10 and 28-29 the applicant is claiming a specifier that is able to identify if the information distributed was used or not. The specification does not enable one of ordinary skill in the art to understand how the specifier knows whether or not the distributed data has been used thus how is it then that the data distributor is notified after the travel, how is it know that travel is finished and what is the information that it's being notified about what distribution data is being specified.

7. As to claims 8, 12-14, 21 and 30 the applicant is claiming a tolerance calculator in which multiplying is done. This begs two questions of enablement 1. How is

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tolerance a multiplication step when the specification teaches tolerance as a difference which clearly indicates either subtraction or division. The claims also indicate that "tolerance calculator calculates the TOLERANCES by multiplying the TOLERANCES....by respective factors". How can you multiply tolerances by something when it's the tolerance you are trying to identify through the calculation?

8. As to claim 27 the applicant teaches an area calculator; the specification lacks written description enabling one of ordinary skill in the art at the time of invention to make and/or use the invention. Claim 27 further uses the term "border position" but fails to identify what a border position is, how one determines it?

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)). The following rejections are made as the claims are best understood by the examiner.

13. Claims 1-3, 8-10, 18-20 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 5,948,040 DeLorme et al; Travel Reservation Information and Planning System. Hereinafter referred to as DeLorme.

14. As to claim 1 DeLorme teaches **preparing a travel schedule based on locations, times and dates.**(Fig. 7B ref 705 and C. 6 l. 21-28).

- **searching parameters in order to schedule items according to time constraints**(C. 6 l. 57-60 and C. 7 l. 31-33).

15. As to claims 2,9, 19 and 28 DeLorme teaches storing identifying information(C. 14 l. 37-41) specifying if information has been used(C. 29 l. 27-28); and notifying the distributing unit of the information(C. 29 l. 28-30).

16. As to claims 3, 10, 20 and 29 DeLorme teaches location of unit being used (Cl. 29 I. 27-28) storing locations identified by unit (C. 29 I. 15-18) and notification of completed travel.

17. As to claim 8 Delorme **teaches preparing a travel schedule based on locations, times and dates.** (Fig. 7B ref 705 and C. 6 I. 21-28.

Identifying difference between arrival times and current location (C. 78 Claim 3)

Correction of arrival time based on the difference between current location and destination (C. 41 I. 19-23).

Distributing new arrival time schedule to unit (C. 6 I. 57-60 and C. 7 I. 31-33)

18. As to claim 18 Delorme **teaches preparing a travel schedule based on locations, times and dates.** (Fig. 7B ref 705 and C. 6 I. 21-28.

Detecting position of unit (C. 10 I. 36-38).

Comparing destination with current location (C. 8 I. 36-38)

Distributing information that relates to the units location (Cl. 6 I. 57-60 C. and 7 I. 31-33)

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims 21 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,948,040 DeLorme et al; Travel Reservation Information and Planning System. Hereinafter referred to as DeLorme.

22. As to claims 21 and 30 Delorme teaches a scheduler containing an itinerary of the unit user(C. 19 I. 46-50) and updated the schedule when times are not meeting the initial times used to plan itinerary (c. 19 I. 51-54). DeLorme fails to teach calculation of a tolerance, however, it would have been obvious to one of ordinary skill in the art at the time of invention to that if the management system is finding a dinning option that still allows the traveler meet their flight that a calculation is taking place to determine if the time difference between the current time and the time needed to make the flight.

23. Claims 5-7, 12-17, 24-26 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,948,040 DeLorme et al; Travel Reservation Information and Planning System as applied to claims 1-3, 8-10, 18-20 and 27-29 above, and further in view of US Patent 6,639,550 Knockheart et al; Vehicle Inforation System. Hereinafter referred to as Knockheart.

24. As to claims 5-7, 15-17, 24-26 and 32-34 DeLorme teaches a travel information distribution system that distributes digital information online. However DeLorme fails to teach the specific formats in which the information is distributed. Knockheart teaches sending information to the user as an email pager and /or telephone call. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Knockheart with DeLorme so as to have several options for the user to have preference of how they receive the information depending on the type unit they are using.

25. As to claims 12-14 DeLorme teaches a travel information distribution system that uses differences in determining route information. However, DeLorme fails to teach a tolerance calculation to determine the differences according to different factors. Knockheart teaches reducing and or increasing tolerance based on arrival at points on route; as well as allowable disparity with dead reckoning based on travel factors. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Knockheart with DeLorme so as to have set parameters for know when or not a user is on task.

26. Claims 4, 11, 22-23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over over US Patent 5,948,040 DeLorme et al; Travel Reservation Information and Planning System as applied to claims 1-3, 8-10, 18-20 and 27-29 above, and further in view of US Patent 6,336,072 Takayama et al. Hereinafter referred to as Takayama.

27. As to claims 4, 11, 22 and 31 DeLorme teaches a travel information distribution system with a schedule table.(C. 26 I.32-37) However, DeLorme fails to teach requesting time frame for which distribution data is transmitted to the user. Takayama teaches conditions for which information is extracted and transmitted.

28. As to claim 23 Delorme teaches a travel information distribution system with a schedule table receiver(C. 26 I. 32-37). However, DeLorme fails to teach storing, comparing transmitting and renewing schedules according to different parameters. Takayama teaches a scheduler that determines if the user will make their destination using different modes of transportation and updating departure time if required to make scheduled destination.(C. 35 I. 50-60).

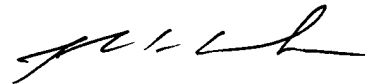
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 572-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS



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